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CONSIDERATIONS

ON THE

PRESENT STATE

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EAST-INDIA AFFAIRS.

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A Member of the Last Parliament.

SECOND EDITION.

L O N D O N :

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ADVERTISEMENT.

WHEN the first edition of this pamphlet was given to the public, in the month of February last, 1784, the title of it pointed out Mr. Fox's India bill, which had then been recently rejected in the House of Lords, as the foundation on which the observations and arguments contained in that publication were raised.

A new plan for the regulation of Indian affairs has now been announced, and is soon to undergo the discussion of parliament.

However different the plan may be from that proposed by Mr. Fox, the subject to which the plan relates continues precisely the same, and every system of regulations respecting Indian affairs, must have, for its professed objects at least, the real interests of the British empire, and the interests of the natives and British subjects in India.

The observations, therefore, contained in this pamphlet, which have on all hands been allowed to be free from political prepossessions or party motives, if they have ever had any pretensions to utility, are not less likely to be useful now, than they were at the time of their first appearance during the late administration.

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In one respect, the perusal of these sheets at present may, perhaps, be attended with even a superior advantage, as they not only discuss the merits of Mr. Fox's bill, which was their original object, but will facilitate the task of those, who wish to form an estimate of the abstracted, and of the comparative merits, of the plan which has been rejected, and of that which is now immediately to engage the attention of parliament.

For these reasons the editor has been induced to offer to the public this second edition. He wished to have had permission to prefix to it the name of the author, but the only answer he has been able to obtain to his applications for that purpose, has been, that the author's object is completely answered, if the suggestions contained in the pamphlet can possibly be productive of any utility.

July 14, 1784.

CONSIDERATIONS
ON THE
PRESENT STATE OF EAST-INDIA AFFAIRS,
AND
EXAMINATION OF MR. FOX'S BILL.

WHATEVER benefits or privileges may be supposed to have been granted to the East-India Company by charters and acts of parliament, that Company would soon cease to be in a condition of availing themselves of these advantages, if the government or legislature of this country did not speedily afford them aid as to pecuniary matters, and assist them with new parliamentary regulations, for the management of their affairs.

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The cry, therefore, which has been raised about the *invasion of chartered rights*, seems to be misplaced upon the present occasion; for if government were disposed to abstain from doing any thing favourable or unfavourable to the East India Company, these chartered rights would be as effectually dissolved and destroyed by this inaction, as they could be by any active operation of the legislature, since the embarrassments and disorders in the Company's affairs at home and abroad must soon lead to confusion and ruin, if unassisted by government.

That such a crisis should be averted, is, no doubt, highly expedient for the interests of the community at large, as well as those of the East India Company; but when government does so, by using the measures of prevention, instead of waiting for that dissolution of the Company which would be the consequence of withholding aid from them, it is fair in argument to say, that government, at the time of affording this aid, is entitled to make certain stipulations for
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the public benefit, and with that view to regulate and new model the Company's charters and privileges, in the same manner, if not to the same extent, as if the Company, upon the expiration of their original charters, were treating for a new bargain; it being understood at the same time, that all equitable allowances shall be made to the East India Company, for losses and calamities suffered by them in consequence of the wars and misfortunes of the state, or for benefits which the state has received from the East India Company by the acquisition of the territorial revenues, or in any other shape, for which the Company has not hitherto received any adequate return or indemnification.

In the present situation of the Company's affairs, and of the British possessions in India, it will be difficult for any man to deny, that an alteration of the Company's chartered rights to *a certain degree at least*, may be justified, not only upon the special ground which has now been mentioned, but also upon another more general ground,

ground,—that of urgent necessity founded on evident public utility ;—upon that ground the extent of the Company's chartered rights and privileges has already been modified and limited by the interposition of parliament, particularly in the year 1773.—Upon both grounds therefore it seems impossible to deny the right which, in such peculiar circumstances, the legislature has to interfere with and to regulate these charters, and the only remaining question must be to what extent that right of parliamentary interference ought now to be exercised.

In deciding this point, our enquiry must be directed to this material object—What deviation from the terms of the charters, or what mode of government of Indian affairs to be substituted in room of that prescribed by these charters, will be best suited to the general interests of the state ?

When once that point is ascertained, if it shall appear, that the plan so calculated for
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the general interests of the state, bears hard upon the separate rights and interests, which the East-India Company have enjoyed under the authority of charters and acts of parliament, that Company may then be well entitled to claim material aid and pecuniary assistance from the public, on account of their being deprived of the compleat benefit of their chartered rights before the expiration of the term for which they were granted, and also on account of the losses they have sustained in consequence of the wars in which the state was engaged, as well as on account of their expence in acquiring and maintaining the possession of the territorial revenues in India.

In pursuing the inquiry that has now been proposed concerning the best mode of government for Indian affairs, it is taken for granted, that our possessions in the East Indies, and our commerce with that part of the world, are objects of importance to this country, and that it is the decided intention, as well as the interest of

the country to make every proper effort for retaining that commerce and those possessions.

Whether the commerce of India, and the establishment of European settlements there, have been attended with real benefit, either to the Indian or European world, or to particular states in Europe, is a question, which, upon abstract reasonings, and according to the soundest principles of philosophy or politics, may be very problematical; but in the present situation of things, it is a very different question, whether it be now for the interests of Great-Britain to retain, or to abandon the commerce and the establishments she has acquired in India.

If, on the supposition of her abandoning them, the consequence were to be, that the commerce and possessions thus relinquished by Great Britain, would not be acquired by any other European power, such an experiment might be attended with less hazard; but as the certain consequence of Great Britain's relinquishing, would be that of some other European power's acquiring

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ring those valuable possessions, it seems to admit of little doubt, that the interests of the state, as well as those of many individuals, subjects of Great Britain, would be most essentially injured, both by what would thus be lost to Great Britain, and by what would be acquired by other European states, especially as the acquisition would most probably be made by states, whose wealth and prosperity in commerce, are the least compatible with the true interests of this country.

The proper object of enquiry at present is, therefore, confined to this point—Under what mode of government, and by what regulations will the British possessions in India, and the commerce with that part of the world, prove most beneficial to the subjects of Great Britain, both in Europe and in India; under which last description, are comprehended many millions of the native inhabitants now subject to the British dominion in Hindostan.

As the government of our Indian possessions must necessarily be lodged somewhere, an option must be made of one or other of the following modes ;

Either that the government of these distant possessions, as well as the commerce, be continued with the East India Company ;

Or, 2dly, That the territorial possessions be declared to belong to the State ; and, as such, the executive government of them be confided to the Crown, in a manner similar to the government of the other parts of the empire ;

Or, 3dly, That an experiment be made, for a certain number of years, of Trustees, appointed by Parliament, for taking charge of the Indian possessions, and of the affairs of the East India Company, subject to the control and superintendence of Parliament ;

Or,

Or, lastly, That some mode of government be devised, by which the powers shall be distributed, partly to the Crown, partly to these Trustees, and partly to Directors for the East-India Company.

If the first of these modes is proposed, the objections which naturally occur, are, that it would be preposterous and absurd to give to a Company, instituted for commercial purposes, the government of a vast country, and of millions of subjects in India ; that though the East India Company has been instrumental in these acquisitions, yet they could be acquired only for the State ; and that the constitution of the India Company, however well adapted to commerce, is inadequate to the government of such an empire.

Farther, it will be asserted that these arguments have been confirmed by experience ; for that the abuses and disorders which have sprung up in India, prove the insufficiency of the present mode of government, and the necessity of introducing
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a new mode better calculated for promoting the happiness of the natives in India, and for making our possessions there more useful to this country.

These reasons seem to be of sufficient weight so far as relates to the territorial revenues, and the government of the country out of which these revenues issue, but do not afford any sufficient argument against the Company's being still trusted with the management of their commercial concerns; especially as it is maintained, that the Company, even before the acquisition of the territorial revenues, conducted their affairs with advantage to themselves, and utility to the State.

If the second mode is proposed, it will be objected, that, by giving directly to the Crown the appointment of all the offices, civil and military, connected with this new empire in India, the influence of the Crown will be increased to such an enormous

enormous degree, as to make it dangerous to the liberties of the empire at home.

That it has been the object of late years to diminish that influence ; but the extent and value of what is thus proposed to be thrown into the royal scale, by these appointments in the East, would far exceed the weight of the influence which has been lately subtracted from the powers of the Crown in this country.

It will farther be objected, that as the power and influence of the Crown is presumed to be exercised by the Ministers for the time being, and as those Ministers are liable to frequent changes, either at the pleasure of the Crown, or from their not possessing the confidence of Parliament, the object of reforming abuses in India could not be so well answered by placing the government in the hands of Ministers, liable to such frequent changes ; for that the servants in India have been long accustomed to disobey the orders of the East India Directors, because those

Directors

Directors being frequently changed, they had a chance of protection from the successors of the Directors whose orders they had disobeyed ; and upon the same principle, the servants in India might be disposed to disregard the orders of one set of Ministers, in the expectation of protection from their successors.

If the third mode of government, that by Parliamentary Trustees for a certain number of years, is proposed, it will be free from the objection which has just now been mentioned, but liable to other objections, which by many will be thought not less alarming.

In favour of this plan, it may, with great appearance of justice, be argued, that in the beginning, at least, of any effectual reform in India, there should be a fixed board or government at home, for the management of Indian affairs, not liable to be changed during a certain number of years, in order that the servants in India might perceive that the same governing power which
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issued the orders, would subsist for seeing those orders put in execution ; and the circumstance of these rulers being appointed by the authority of Parliament, and under the control and constant inspection of Parliament, would carry with it more weight than any other institution or mode of appointment, since it would impress upon the minds of the servants in India a full conviction that their actions would be strictly examined both by the board so appointed, and by Parliament itself.

In order the better to secure the obedience of the servants in India, it is also an ingredient part of this plan that the patronage now belonging to the East India Company should be transferred to these parliamentary trustees, who shall have power to place or displace all the servants civil or military belonging to the East India Company.

The objections, however, to this plan are, that it is unsupported by precedent, and may give

rise to abuses of a tendency dangerous to the constitution.

That by the constitution of this country the executive powers of government belong to the Crown, and are an essential part of the royal prerogative; that the useful and proper sphere of Parliament is not to assume to itself the executive powers, or the appointment to offices, but to act as a check and control upon the proper exercise of these executive powers lodged with the Crown; and that nothing can be more pernicious than the confounding together these two separate provinces.

As a farther mischief that may arise from this plan, it may be objected, that when Parliament appoints a certain number of supreme rulers for all Indian affairs, and establishes their duration for a fixed number of years, these rulers must be considered as persons who owe their appointments to the ministers by whom their names were proposed to Parliament, and the powers
conferred

conferred upon and exercised by them, will, in effect, be so much additional influence given, not to the Crown, but personally to the ministers, with whom the plan originated.

By thus conveying to these ministers all the vast patronage of the East, they will secure to themselves such an influence and connection in Parliament, that they will become too powerful for the Crown to contend with—it will be an aristocracy, established both at the expence of the royal prerogative and of the freedom of Parliament.

Amidst these various objections to any given plan, there is a necessity for making an option; for nothing can be so pernicious as to suffer these apparent difficulties to deter from doing something positive, for remedying the present disorders in the affairs of the East India Company at home and abroad: most of the objections which are started either against the 2d or the 3d plan above mentioned, are objections founded

chiefly on speculative reasonings, which may be true, or may be false; but after all the noise that has been made about the abuses in India, and the expectations which have been afforded of the interference of Parliament for remedying those abuses, as well as for supporting the credit of the East India Company, the certain consequence of doing nothing, must be destruction to that Company, and a continuation of insecurity, oppression, and misery to millions of the human race subject to the British empire in India.

The various objections, however, which, it has been shewn, attend every possible plan for India, ought to repress the violence of those who exclaim so loudly against any particular plan for reformation of Indian abuses, because it has not been so fortunate as to be free from all real or plausible objections.

Where the difficulty originates and is inseparable from the nature of the subject itself to which the regulations are applied, it is not fair
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to consider the objections attending the plan as proofs either of incapacity, or of bad intentions of those who have proposed such regulations.

It was impossible to frame any plan for India free from many apparent inconveniencies and objections. A plan of government for any country is a matter attended with no small degree of difficulty, but that difficulty is infinitely increased where the country proposed to be governed happens to be placed on the opposite side of the globe, at the distance of many thousand miles from the seat of empire. A wise and well-digested plan of government for a country so circumstanced, while it has for its objects the benefits to be enjoyed by the mother country, and the prosperity of millions of subjects in those distant regions, must, at the same time, endeavour to counteract the circumstances unfavourable to that prosperity, by controlling and retaining within proper bounds the avarice and ambition of individuals,—passions of the growth of every soil—but which, in Indian soil, the force, the magnitude, and the frequency of
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the temptations, as well as the distance from the seat of empire, are peculiarly qualified to nourish

In these circumstances, we may venture to affirm, that it exceeds the bounds of human genius to form any plan of government that will compleatly answer all the ends proposed, or that will not be liable to many real objections both in theory and in practice; the best model will be that where the fewest radical vices are to be found in its construction,—any pretensions to perfection beyond that extent will ever be found chimerical and delusive.

From these considerations, and from all the circumstances which have been alluded to, it may with great truth be asserted, that the first proposers of an India bill were placed in such a situation of difficulty, that whatever plan they adopted, there was almost a certainty not only of its being assailed by a multitude of objections, but also of its being productive of much clamour and outcry, as either giving too much power to the Crown, or to Parliament, or to Ministers,

Ministers, or to East India Directors and Proprietors.

Instead, therefore, of giving credit to the extent of that outcry, some degree of praise may be due to Ministers, who, at the evident hazard of losing popularity, thought it their duty to bring forward, in a manly way, some bold, decisive plan for remedying the disorders complained of in Indian-affairs.

If from the difficulty of the subject, or from any other causes, the plan introduced into the House of Commons by Mr. Fox has been too bold, the discussions upon it will facilitate the task for those who succeed in the business of proposing regulations for Indian affairs; it will teach them to shape their course so as to avoid the rocks upon which the first bill has been lost, and will probably tend to render any bill now to be proposed more acceptable to the public than it would have been if originally proposed.

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In judging, therefore, of the merits of Mr. Fox's bill, or of the comparative merits of any bill that may hereafter be brought forward, allowances ought to be made for the disadvantages to which the first proposer of any plan relating to Indian affairs was necessarily exposed; and attention must also be paid to the evident advantages which the proposers of any future plan relating to these affairs will enjoy, not only from the clamour which has been raised against the first bill, but likewise from the knowledge and experience afforded by the discussions upon that bill.

Examination of the Capital Parts of

Mr. FOX's BILL.

WHILE these discussions are recent, let us endeavour to form a just and impartial estimate of the great outlines and the constituent parts of
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Mr. Fox's bill, with a view to discover what is valuable or faulty in it, but still more with the material view of discovering what modifications or alterations of the same bill might, by removing the most solid objections, serve to render it acceptable to the public, without losing the essential parts of its utility respecting India.

The plan contained in Mr. Fox's bill may be divided into five principal parts.

1st. That the supreme management of Indian affairs, with efficient active powers, as well as the powers of control and superintendency, shall be vested in a board composed of seven persons resident in England.

2d. That a degree of permanency shall be given to the board so established, by fixing the duration of the powers of the Commissioners for four years, so as that they may have it in their power to carry their plans of government and reform into execution.

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3d. That

3d. That the persons who are to execute this trust shall be named by parliament, to whom they are to be accountable for their conduct, and to be removeable by an address to His Majesty from either house of parliament, but the vacancies by death, resignation, or removal, to be filled up by His Majesty.

4th. That in order to secure the authority of that board, and the obedience of the servants in India, they shall have it in their power to place or displace all the governors, counsellors, and servants, civil or military, belonging to the British dominions in India, and in general shall have all the powers which are at present vested in the Directors or Proprietors of the East India Company.

5th. That the board so to be appointed shall, besides the government and management of the territorial revenues and possessions, have the government and management also of the commerce of the East India Company, during the above-mentioned period of four years, on account of the difficulty of separating the territorial

torial possessions from the commerce, but that there shall be nine Assistant Directors for the sole purpose of ordering and managing the *commerce* of the Company, under and subject to the orders and directions of the seven principal Commissioners, and the vacancies of Assistant Directors by death, resignation, or removal to be filled up by the East India Proprietors.

These are the great distinguishing features of the India bill introduced by Mr. Fox.

With regard to the *two first branches* above mentioned, the objections that have been stated against them seem not to be well founded; on the contrary, the plan of establishing a board at home for the supreme management and control of Indian affairs, acting under the immediate inspection of the legislature, and responsible to parliament and to the public at large for their conduct; and the plan of giving to that board a certain degree of permanency, by taking care that they should not be displaced during a specified

short period of years, excepting upon an address from either House of Parliament, seems to be admirably well calculated for a steady government of Indian affairs, by enabling the board to follow out their plans with effect, and by securing to them the obedience of the servants in India.

With regard to the *third branch*, which relates to the authority by which the persons composing the board are to be appointed, there does not seem to be any necessity or any reason sufficiently strong, for depriving the Crown of the appointment of these persons, and for transferring to Parliament that appointment.

It is not the proper function of Parliament to appoint to great offices in the state, or to make choice of the persons who are to compose a board for carrying on part of the executive government, though it may be the proper business of Parliament to control and superintend these persons when appointed by the proper authority.

The appointment of the persons belongs properly and naturally to that branch of the legislature which is intrusted with the executive government of the country, and there can be no good reason for deviating from that constitutional rule in this case, especially as the powers with which these persons are to be invested, and the time of their duration, are to be settled; not by the Sovereign alone, but by Parliament.

In another point of view, the proposers of the bill, or the Ministers of the Crown, ought to have no objection to the persons being appointed by the Crown; for the Ministers are entitled to have the confidence of the Crown both as to measures, and as to the choice of proper persons for offices of business and importance; and it is to be presumed, that those who are ministers at the time of an India bill passing into a law, must possess such a degree of confidence both with the Crown and with Parliament, as to be able to get their list of persons adopted either by the one or the other; and as these persons,
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when once named, are not to be liable to be displaced for a certain number of years, it seems to be quite immaterial to the proposers of the bill, whether the original appointment is to take effect through the medium of the Crown, or through that of Parliament.

In this view, the transferring to any other quarter what so naturally belongs to the Crown, seems to be an encroachment on the prerogative without an object, and carries with it an air of distrust that can serve no good purpose.

Concerning the great Extent of **PATRONAGE**
given to the Seven **COMMISSIONERS.**

THE fourth capital branch of the Bill relates to the *Patronage*.

This, from its great extent, and from the importance and the variety of the objects it embraces,

braces, becomes a matter well deserving of serious attention.

On examining the different clauses of the bill, it appears, that all the patronage which at present belongs to the Directors and Proprietors of the East India Company, whether in India or at home, is proposed to be united and concentrated in the seven Commissioners named in the bill ; not only so, but their powers are, in some material cases, to be extended farther than those now enjoyed, either by the Directors or Proprietors, or by them both jointly.

By the third clause of the bill it is declared, that the seven parliamentary Commissioners there named, or any three of them, “ *shall have*
 “ *use, possess, and exercise all and singular*
 “ *the powers and authorities which have*
 “ *been at any time heretofore vested in, or law-*
 “ *fully exercised by, the Directors of the East*
 “ *India Company or Proprietors, or by the Ge-*
 “ *neral Court of Proprietors of the said United*
 “ *Com-*

“ Company, and all such farther and other
 “ powers and authorities, and under such di-
 “ rections, and subject to such limitations and
 “ restrictions as in this act, or in any other act,
 “ the provisions whereof are not hereby altered or
 “ repealed, are contained, for the government and
 “ management of the said territorial possessions,
 “ revenues, and commerce of the said United
 “ Company, or in any wise relative thereto.”

This clause of itself gives to the seven Com-
 missioners the whole power and patronage at home
 and abroad, hitherto enjoyed either by the Direc-
 tors or Proprietors of the East India Company
 in all matters whatsoever.

But the 14th clause of the bill goes even far-
 ther than this: it enacts that the seven Commis-
 sioners, or major part of them, “ shall have full
 “ power and authority to remove, displace, sus-
 “ pend, appoint, confirm, or restore, all and
 “ every person or persons whatsoever from or to
 “ any office, station or capacity whatsoever, civil
 “ or

" military in the service of the said United Com-
 " pany, or within the limits of the said United
 " Company's charters, or any of them, or any
 " way concerned in the management of their af-
 " fairs within this kingdom, or in India, whe-
 " ther any such person or persons shall have been
 " nominated or appointed in and by any act or
 " acts of parliament, or howsoever otherwise no-
 " minated or appointed, except as is herein pro-
 " vided and established, as to the appointment and
 " removal of such Directors themselves, and of
 " the said Assistant Directors."

This clause goes considerably beyond the pow-
 ers at present enjoyed either by the Directors or
 Proprietors of the East India Company; for it
 gives the seven Commissioners the power of
 placing or displacing (amongst others) the Go-
 vernor and Members of the Supreme Council of
 Bengal, independently either of the Crown or
 of the Proprietors: this is a power which is not
 enjoyed by the present Directors of the Com-

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pany, either as to placing or displacing ; for the consent or acquiescence of the Crown is, by act of parliament, necessary to the appointment of these Members of the Supreme Council ; neither can they be removed but by the joint concurrence of the Crown and the Directors.

To a certain extent, therefore, this clause has the effect, not only of adding to the seven Commissioners powers which were not enjoyed by the East India Directors, but also that of taking away from the Crown a power which it had already been in possession of by an act of parliament.

The power also given by this clause of *restoring* servants of the Company to situations which they had formerly enjoyed, is greater than what was trusted to the Directors, for they could not restore any person, without the consent of three-fourths of the Proprietors assembled in a General Court.

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But farther, the terms of the 14th clause are so very comprehensive, that while they transfer to the seven Commissioners, all the powers and patronage which the India Directors and Proprietors have hitherto enjoyed at home and abroad, they have likewise the effect of transferring to these Commissioners all the patronage, of every species, that has hitherto been enjoyed by any department, civil or military, in India, from the Supreme Council down to the lowest establishment in any of the presidencies of Bengal, Madras, or Bombay; for nothing can be more extensive, more unqualified, and unbounded than the expressive words made use of in the 14th clause above recited; and they would embrace an infinite extent of patronage in India which the Directors at home did not in fact enjoy, but considered as dependent upon and belonging to certain ranks and employments in that country, to which the exercise of that patronage was annexed.

When one reflects on the immense mass of patronage and influence which would thus be

lected into one channel, it is really no wonder that it should create a serious alarm.

In defence of powers so extensive and unusual, arguments have occasionally been resorted to, founded on the personal characters of the first Lord Commissioner, and of the other Members of the Board. It has been said, that in such hands, there was not only, no danger of an improper use of power, but that the strengthening the hands of these Commissioners would serve only to increase their utility to the public; those friends too, who have had the best opportunities of knowing them, have treated with a becoming indignation, the idea of such men, with their own characters at stake, and with the eyes of the nation fixed upon their conduct, suffering themselves to be the tools of any Ministers, by perverting an establishment for the government of India, to the interested purposes of political influence.—There is no man more ready than I am, to admit every thing that is due to the virtues and to the independency of the Earl of Fitzwilliam,

Fitzwilliam, as well as to the respectable characters of the other Commissioners; the choice of the persons, with Lord Fitzwilliam placed at the head of that Board, may be allowed to give every security that personal integrity can afford against the abuse of power; but still it is the business of laws to proceed upon general principles, and to provide securities for the interests of the public, independent of the considerations of personal character.

The accumulation of so much patronage in the persons of the seven Commissioners seems to be liable to two objections; the one, that it is unnecessary; the other that it is dangerous.

It certainly cannot be necessary for enabling the Commissioners to execute their offices with advantage to the public, that they should be possessed of all the East Indian patronage at home and abroad, and in all matters civil and military, political and commercial; many parts of these might, with more propriety, and without

out diminishing the utility of the board, be confided and distributed into other hands.

But the principal objection and cause of alarm will be on account of the danger attending such an innovation in the State, by conferring upon any set of men powers and patronage of such an amazing extent. It will be felt as the introduction of a new power into the State, calculated on the one hand, to rival or eclipse the powers and prerogative of the Supreme Magistrate; and on the other hand, calculated to give this new Board a dominion over the hopes and fears of a very large proportion of the subjects of the empire at home and abroad.

It is true, indeed, that, in one sense, it may be said, that the power thus proposed to be given to the seven Commissioners is no new creation of powers, but merely a transfer from one quarter to another of powers which already exist; for the powers and patronage which the act proposes to give to the Commissioners, are,

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at present, exercised either by the Indian Directors and Proprietors, or by their servants in India, and they are so exercised, without the Crown's having any participation in that patronage, (excepting in what relates to the appointment of the Supreme Council in Bengal;) from whence it may be argued, that there is neither any new creation of powers, nor any prejudice done to the prerogative of the Crown, by transferring to one class of subjects, powers which have hitherto been exercised by another class.

But arguments of this sort are more specious than solid. When a certain quantity of patronage, power, or influence is distributed and subdivided into various different channels, that dispersion of the power averts the dangers, the jealousy, and the mischiefs that might arise from the whole of it being collected into one channel.

The very objection to that part of the plan of the present bill, is, that it proposes to collect

lect into one compact body, the whole of that patronage and influence, which has hitherto lain so dispersed and subdivided amongst the members of a chartered Company at home, and certain classes of individuals in the service of that Company abroad, that from that very circumstance it was attended with no danger to the constitution of this country, especially as the persons among whom the power was thus distributed could neither act as one body, nor were they of that political description as to make their influence felt upon the constitution, or in the Houses of Parliament.

But those sources of power which were innocent, with respect to the State, when diverted into various streams, may be productive of very different consequences when collected into one great fountain, and that not far remote from the main springs of Government.—When thus collected, it acquires a force, sufficient to bear down all before it, and to overturn the balance of the constitution.

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These reflections are directed against such an alarming accumulation of power and patronage in the persons of the seven Commissioners; and, perhaps, this discussion may assist us in a mode of solving the difficulty, by avoiding one of the strongest objections that has been made to the bill lately under the consideration of Parliament.

Let the total power and patronage of the East-India Company at home and abroad, suffer such a *distribution* as may secure us against the political dangers which have been alluded to, and at the same time tend to conciliate the minds of men to the other salutary parts of the bill.

To say precisely in what shape this distribution should be made, would require an accurate knowledge of all the patronage belonging to the East-India Company at home and abroad; but one general outline that may be suggested is this,

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that

that in the dispersion of that patronage, part of it should be allotted to the Crown, part to the seven Commissioners, part to the nine Assistant Directors, and part should remain annexed, as formerly to certain ranks and departments in India, or at least such an order of succession to office should be fixed, as may make the portion of patronage left in India or at home less dangerous, or less a subject of jealousy, in whatever hands it may be placed.

When the particular articles falling under the general description of Indian patronage at home and abroad shall be enumerated there will appear an ample fund for a proper distribution in the manner above suggested. In a subsequent part of this enquiry it will be shewn, that the *commercial patronage* should go either wholly or principally to the nine Assistant Directors. There will then remain to be distributed the patronage in all matters civil, military, and political. Though the whole of that extensive patronage was by Mr. Fox's bill thrown into the hands of the seven Commissioners, it cannot with any colour

colour of reason be maintained that such unbounded patronage became absolutely necessary for enabling the Commissioners to render service to the public in the execution of their duty. For instance, it does not appear absolutely necessary, that these Commissioners should have the appointment of all the military, from the Commanders in Chief down to the lowest officers in the service, in the several presidencies of Bengal, Madras, and Bombay. Neither perhaps, is it necessary that all the Members of the Supreme Council in Bengal, or that all the Members of the Councils at the presidencies of Madras and Bombay, should be of the appointment of the seven Commissioners. It is no doubt proper and necessary, that a board instituted for the supreme management and control of Indian affairs, should enjoy a considerable portion of power and patronage for giving efficacy to their measures, and to their plans of reform; but nothing farther should be aimed at than what may be clearly and absolutely necessary for these purposes.

In applying this rule, it will be found, that, exclusive of the *commercial patronage* proposed to be given to the Assistant Directors, and what may be proper to be given to the government abroad, there will remain a certain share of patronage to be transferred to other hands than those of the seven Commissioners; and if so, the genius and analogy of the British constitution suggests, that the Crown, to whom the executive government of the empire in general belongs, should be put in possession of some proportion of that patronage.

A proper distribution of power in this manner, will be the most effectual method of allaying the fears and jealousies entertained by many, and of averting the hazards to the British constitution from the extent and magnitude of Indian patronage.

It may, perhaps, be objected, that the giving to the Crown any share, or rather any considerable share, of that patronage, would not be well relished either in the House of Commons,

mons, or in the country at large, as there has of late years been so much jealousy entertained of any increase of the influence of the Crown, and that from that jealousy the fate of the bill might be endangered in the House of Commons.

That objection, admits of several answers. It is by no means an agreed point that the influence of the Crown is at present too great; many men of sound understanding, and true friends to the constitution and liberties of their country, are conscientiously of opinion, that for the purposes of carrying on government in a proper manner, and with a sufficient degree of stability, the influence of the Crown, and of course the influence of the Ministers intrusted with the exercise of the powers of the Crown, has been too much impaired.

But it would be pushing to an extravagant length this apprehension of too much influence in the Crown, if it were to be assumed as a maxim,

maxim, that whatever new acquisitions may be made to the British empire, or however much her dominions may be extended, the prerogative of the Crown shall not extend to any part of the executive government of these new acquisitions, or to any share in the disposal of offices belonging to them, lest the influence of the Crown at home should thereby be too much increased.

If a jealousy of this sort had been always entertained in England, the same reasoning would, in an English Parliament, have gone the length of excluding the Crown from the disposal of offices in Scotland when that country became incorporated with England, or from the disposal of offices in Ireland, or in the British colonies in America and the West Indies.

While the form of the British constitution remains, it is a necessary consequence of the extension of the British empire, that the power or influence of the Crown, so far as relates to
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the additional number of offices which will thereby become at the disposal of the Crown, must be proportionally augmented,

The opposite consequence holds equally true, that the more the dominions or dependencies of the empire are impaired, in the same proportion will the power and influence of the Crown in the disposal of offices be diminished.

We have had so very recently an example of this latter sort, by the diminution of offices in the power of the Crown, in consequence of the loss of America, that for this reason, amongst others, there ought to be the less difficulty in allowing to the Crown some share at least, of what, by the prerogative justly belongs to it, in the appointment to offices, and in the executive government of those parts of the British dominions which are situated in India.

Concerning

*Concerning the Share of Power and Patronage
to be given to the Assistant Directors.*

THE 5th principal branch above mentioned of Mr. Fox's bill, is that which gives to the seven Commissioners the government and management of the Company's *commercial concerns* but with the aid of *nine subordinate Assistant Directors*.

That there should be assistant Directors, and of a number sufficient to attend to the various departments of the business, is highly necessary; for the detail of the commercial business of the Company is so very extensive, that it would be quite impossible for the seven principal Commissioners to carry on that part of the business; their time will be sufficiently employed by the political and other branches committed to their charge, which, if conducted in a manner satisfactory to themselves and the public, will require more constant unremitting attention and labour than perhaps they are at present aware of.

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In committing to nine Assistant Directors the commercial concerns, these Assistant Directors will also find it necessary for them to dedicate a very large share of their time and attention to the business so committed to their charge; for it is on their proper management of the commercial interests of the Company, that the prosperity of that Company, considered as a society of merchants, and the value of the stock belonging to the Proprietors, will, in a great measure, depend.

For these, and other reasons, it has occurred to several persons, that the situation of the Assistant Directors is, by the bill, made too inferior and dependent, and that they have been too much stripped of all manner of patronage.

They are made subject to the orders and directions of the seven principal Commissioners; and if they either wilfully disobey those orders, or if, in the opinion of the seven Principals, these Assistants have been guilty of neglect or

misdemeanour in the execution of their office, then it is in the power of the seven Principals to remove and displace them.

This is not all; for from the scope of the bill it seems to be intended, that the Assistant Directors should not have one particle of the patronage at present enjoyed by the twenty-four Directors of the East India Company, not even the patronage which is necessarily and solely connected with the commercial interests of the Company, such as the employment of ships, warehouse-keepers, secretaries, clerks, and servants, for carrying on their own business, contracts for goods relating to the commerce, &c. By the extensive words of the bill, all that patronage is transferred to the seven Commissioners.

There does not seem to be any good reason why the nine Assistant Directors should be lowered, and deprived of all patronage in this manner; on the contrary, it would be more expedient, for various reasons, that their situation

ation should be made as respectable as possible, consistently with every proper security for their not counteracting the main objects of the institution of the seven principal Commissioners.

There should be the less objection to this being done at present, as it has been declared by Mr. Fox in the speech at bringing in his bill, that after the term of the present bill, at the end of the four years, it is proposed the Assistant Directors should be chosen by the Proprietors, and that then the commercial concerns should, if practicable, be separated from the political, and from the management of the revenues and territorial possessions; consequently, when that happens, every patronage naturally connected with the commerce must go along with it.

Why, then, should that patronage not be suffered to go along with it at present?

There are even additional reasons why, in good judgment, the present bill should allot and

declare a considerable share of patronage to belong to the Assistant Directors ; for it is the vast extent of patronage and power assumed to the seven principal Commissioners by the present bill, which has chiefly excited the jealousy and the apprehensions so unfavourable to the bill.

The diminution or distribution of that patronage would have an opposite and a favourable tendency.

Such distribution would be useful both in appearance and in reality ; in appearance, because it would conciliate favour to the bill ; and in reality, because, for the reasons already stated, the dispersion of patronage ought to take place upon sound political principles, in order to prevent the danger from too much power and influence being accumulated in any one quarter.

In no quarter can a share of the patronage be given with more political safety, than to the
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Directors who are to manage the commercial concerns of the Company. This opinion does not rest upon theory; for it has been found from experience, that even when the twenty-four Directors possessed the whole undiminished patronage of the Company, no danger to the constitution, or to the freedom of Parliament, ever existed, or was apprehended from that quarter.

There will, therefore, be a general disposition in the public, as well as in the Proprietors of the East-India Company, (to whom some attention likewise is due) to approve of the allotment of a considerable share of the patronage to the Assistant Directors; and that disposition will be the greater, because it is felt to be a violent revolution in the situation of India Directors and Proprietors, that, from possessing the greatest power of any body of men in the State, they should, all at once, be stripped of every degree of power, patronage, and consequence.

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For these reasons, I cannot avoid thinking that it would be well judged, in many respects, that the bill should contain a clause, describing, or rather *enumerating*, the articles of patronage which are to be given to the Assistant Directors; and the more ample these are made, consistently with the great objects of the bill, so much the better.

Amongst the articles of patronage which may naturally and properly be given to the Assistant Directors, there are these following :

The appointment of Secretaries, Clerks, and Assistants, at the India House; Warehouse-keepers, and others for carrying on the commercial business.

The purchasing of goods, stores, &c. to be sent to India, by contract or otherwise.

The allotment of the voyages, and every thing that relates to the ships to be employed
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in carrying on the commerce to and from India.

The appointment of *writers* to be sent to India for the civil line, and of *cadets* for the military.

With regard to this last article, the East-India Company were in the constant practice of sending out *writers* long before the acquisition of the territorial revenues, and also of sending out *cadets*. The persons who go out as *writers*, and rise by gradation from that first step to the situation of junior and senior merchants, factors, &c. are necessary for the commercial business; and the *cadets* are the raw materials from whence the Company's officers have been formed; — and here it is but justice to acknowledge, that under this mode of exercising the patronage, there have sprung up in the Company's service not only men eminent in the civil line, but many excellent officers, whose merits have been proved by actions that would

would have done credit to the military profession in any service in Europe. It has often happened, too, that these officers of the East-India Company have acted in the field along with the officers of His Majesty's troops employed against the enemies of the State, or of the East-India Company ; and the testimony in their favour, given by the King's officers, with a liberality and readiness that does them honour, has served to place, in a high point of view, the military merits of many of the Company's officers.

- It seems most natural, that the power which has always been enjoyed by the East-India Directors, of appointing these *writers* and *cadets*, should be continued with the Assistant Directors. The taking it from them, and giving it to the seven principal Commissioners, could serve no other purpose than that of increasing uselessly their patronage, and by that means rendering it more obnoxious.

To the public in general it will be agreeable, that this sort of patronage should remain with those Directors, who are to have the immediate charge of the Company's commercial concerns, and who, at the expiration of four years, are to be chosen by the Proprietors as formerly ; for it has the effect of diffusing, through various classes of the community at large, the benefits of East Indian patronage. There are many respectable citizens, who, by the means of the East India Directors, have had opportunities of providing for their children, relations, or friends, in the civil and military lines of the Company's service, to which they might not have had the same facility of access, if the nomination of writers and cadets had been vested either in Government, or in the hands of persons in more exalted situations than those of the India Directors.

It is a real advantage in a country, that there should thus be a variety of channels, through which the benefits belonging to patronage

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may be diffused and extended to various classes in the community ; and, therefore, the placing this branch of patronage in the hands of the Assistant Directors, will certainly be more generally relished, than if it were assumed by the principal Commissioners.

The vesting this, and other articles of patronage in the Assistant Directors, must be the less liable to objections too from this consideration, that the bill has taken care that the principal Commissioners shall have a great check and control over the Assistant Directors ; and even the power of removing and displacing them.—With such a powerful control over the conduct of the Assistant Directors, there must be the less hazard in trusting them with a considerable degree of patronage.—The present East India Directors have a much more extensive patronage, without any such control.

This control introduced by Mr. Fox's bill, seems, however, very proper in the commencement

ment of a new plan for the management of Indian affairs, for it will enable the principal Commissioners to carry their plans into execution, without the hazard of being counteracted in essential objects by the Assistant Directors, at the same time that it increases the safety and propriety of trusting with these Assistant Directors a very considerable share of patronage.

Result of the preceding Enquiry.

THE preceding examination of the principal constituent parts of Mr. Fox's bill, leads to this conclusion, that there are certain essential and vital parts of the plan well deserving to be adhered to and supported; particularly that which establishes a *government at home* for the management of Indian affairs, under the immediate control and superintendancy of Parliament;

and that which gives to the government so established, *a certain degree of permanency*, by taking care that during a specified short period of years they shall not be displaced, excepting upon an address from either House of Parliament.

But it has been shewn that there are other material parts of the bill which require alterations, not of a trivial, but of an essential nature.—1st, In what relates to the *authority* by which the principal Commissioners should be appointed.—2dly, As to the shares of *patronage* to be annexed to their situations;—And 3dly, As to the *situation of the Assistant Directors*, and the share of power and patronage to be enjoyed by them.

What peculiarly requires most essential alterations, is, that part of the bill which relates to the PATRONAGE.—The tendency of the bill, from what appears upon the face of it, has been, to collect from every quarter, and to concenter in the board of Commissioners, the whole of the Indian patronage at home and abroad: the suggestions,

gestions contained in this inquiry, proceed upon a principle directly opposite, that of *dispersion*, instead of *accumulation* ; for the extent of Indian patronage at home and abroad, when collected into one solid compact body, is so immense, and so much beyond all ordinary rules of proportion, that it is too much to be trusted in any one quarter.—If trusted entirely to the *Crown*, such an additional quantity of patronage and influence thrown at once into the royal scale, would certainly make it preponderate too much, and with an evident hazard of overturning the just balance in the constitution.—But neither can it, with safety, be trusted to any Subject, or to any small number or description of Subjects exclusively; for such enormous patronage and influence so vested, would be a novelty of a dangerous nature, without precedent in this, or perhaps in any other state in the world, and therefore might afford just cause of alarm to the interests of the Crown on the one hand, and to those of the people, as well as to the freedom of Parliament, on the other.

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For avoiding evils of such dangerous tendency, it has been a principal object in this inquiry to discover a safer course than that to which either branch of the above alternative would evidently lead us ; and since the whole of the Indian patronage, however great, must necessarily be lodged somewhere, it has occurred, that for the safety of the constitution, the interests of the state, and likewise for the sake of diffusing the benefits of Indian patronage through various classes in the community, the best and most salutary plan will be that, which shall adopt a mode of *distributing*, instead of that of *compacting* the total patronage.—With this view, it has been proposed, that the patronage should be distributed into several different channels, in the following manner :

First, that a certain portion of it should be allotted to the *Crown*, to which, as possessing the executive government of the empire, the whole, or the greatest part of that patronage, when the territorial possessions in India are declared

clared to belong to the State, should, from the genius of the constitution, of course belong, were it not that such an addition of influence to that already enjoyed by the Crown, might prove fatal to the constitution, and therefore the danger apprehended from this circumstance must serve to exclude every idea of giving the whole of that patronage to the Crown.

Secondly, That there should be allotted to the seven principal Commissioners, such a proportion of the Indian patronage as may be proper and necessary to give efficacy to their measures.

Thirdly, That a very considerable part of the power and patronage, especially of that which exists at home, should be annexed to the situation of the Assistant Directors, who are to manage the commercial affairs of the Company, and as to whom it is proposed, that they should hereafter be elected, as formerly, by the Proprietors of the East-India Company.

Lastly,

Lastly, That a certain portion of the patronage in India should be left dependant upon, and connected with, certain establishments and situations in that country.

At the same time it is proposed, that there should be in the bills relating to India proper clauses, containing rules and limitations, to be settled by Parliament, for regulating the conduct of these several descriptions of persons, and for preventing, as far as possible, the abuse of patronage and power in whatever hands it may be placed.

If the reflections which this enquiry has suggested are well founded, and if the communication of them could have any effect in producing such a modification of Mr. Fox's bill, as might embrace the different objects alluded to in the course of this investigation, there is reason to believe, that the jealousies and outcry which have either sprung up naturally, or have been excited against that bill, would soon be reduced so low as to make little permanent impresson ; on the contrary, as the great *assumption of patronage* was
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was the circumstance, which, seriously alarmed some persons, and afforded to others the means of instilling prejudices against the whole of the bill, there is the greatest probability, that, when that part which was in itself truly objectionable is removed, or reduced within proper bounds, the good sense of the country in general, will discern and approve the merits of those parts of the bill, which are calculated for producing that efficient, vigorous system of government, which the exigency of the case seems to require.

Another advantage is, that the proposed alterations could not fail to have a tendency to procure a more favourable reception to the bill in the House of Lords, and to facilitate its passage through that House. — Alterations so material would afford the best refutation of the reports, so generally spread, of an intention to force upon that branch of the Legislature, the same, or nearly the same bill which they have just now rejected. — The alterations proposed are certainly of sufficient magnitude to blunt

the opposition of those who were adverse to the plan first submitted to Parliament; they will also afford good grounds to many of the Peers who voted against the first bill, to adopt, upon consistent principles, a different line of conduct, by supporting a bill essentially varied, and freed from those exceptionable parts which, in the first plan, gave the greatest and the best-founded cause of alarm.

THE END.

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ADDRESS

ADDRESS TO THE PUBLIC.

A new edition of SHAKSPEARE, and an edition of so singular a form as the present, in which all his plays are comprehended in one volume, will, perhaps, appear surprising to many readers; but, upon a little reflection, their surprise will, the Editor doubts not, be converted into approbation.

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The

The Editor hath endeavoured to give all the perfection to this work which the nature of it can admit. The account of his life, which is taken from Rowe, and his last will, in reality, comprehend almost every thing that is known with regard to the personal history of SHAKSPEARE. The anxious researches of his admirers have scarcely been able to collect any farther information concerning him.

The text in the present edition, has been given as it was settled by the most approved commentators. It does not consist with the limits of the design, that the notes should be large, or very numerous: they have not, however, been wholly neglected. The notes which are subjoined are such as were necessary for the purpose of illustrating and explaining obsolete words, unusual phrases, old customs, and obscure or distant allusions. In short, it has been the Editor's aim to omit nothing which may serve to render SHAKSPEARE intelligible to every capacity, and to every class of readers.

Having this view, he cannot avoid expressing his hope, that an undertaking, the utility of which is so apparent, will be encouraged by the public; and his confidence of a favourable reception is increased by the consciousness that he is not doing an injury to any one. The success of the present volume will not impede the sale of the larger editions of SHAKSPEARE, which will still be equally sought for by those to whom the purchase of them may be convenient.

